

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

FILED

MAY 06 2016

ADMINISTRATIVE ACTION

N.J. BOARD OF NURSING

FINAL ORDER OF  
DISCIPLINE

IN THE MATTER OF THE SUSPENSION OR :  
REVOCATION OF THE CERTIFICATION OF :

**Qumar A. Barr, C.H.H.A.** :  
**Certificate No. 26NH06930200** :

TO PRACTICE AS A :  
HOMEMAKER HOME HEALTH AIDE :  
IN THE STATE OF NEW JERSEY :

**FINAL**

This matter was opened to the New Jersey State Board of Nursing (the "Board") upon receipt of information which the Board has reviewed and upon which the following findings of fact and conclusions of law are made:

**FINDINGS OF FACT**

1. Qumar A. Barr ("Respondent") is a certified homemaker-home health aide in the State of New Jersey and has been a licensee at all times relevant hereto.

2. Upon receipt of a flagging notice indicating that Respondent was arrested on August 18, 2014 by the Jersey City Police for violation of N.J.S.A. 2C:12-1B(2), Aggravated Assault With Weapon, and N.J.S.A. 2C:39-4D, Possess Weapon Unlawful Purpose, the Board sent a letter of inquiry, requesting certain information and submission of documents, to Respondent's address

of record in Jersey City, New Jersey, via regular and certified mail on or about September 12, 2014. A response was due within twenty (20) days. The certified mailing was returned as "unclaimed". The regular mailing was not returned.

3. On or about September 24, 2014, the Board received a facsimile from Respondent containing a narrative of her version of the events leading to the arrest, which states that Respondent's ex-boyfriend came to her home while under the influence of phencyclidine and threatened her and her children with a knife, then proceeded to cut himself and jump out a window. Respondent did not fully respond to the Board's request for information contained in its letter of inquiry, such as providing a copy of the municipal court complaint and disposition, a copy of the police report, the status of the case, a copy of any indictment and employment information (name and address of employer, job title, dates of employment, shift, type of unit worked, and a copy of Respondent's most recent job performance evaluation).

#### **CONCLUSIONS OF LAW**

Respondent's failure to fully respond to the Board's request for information constitutes a failure to cooperate with a Board investigation, in contravention of N.J.A.C. 13:45C-1.2 and 1.3, which the Board deems professional misconduct pursuant

to N.J.S.A. 45:1-21(e), subjecting Respondent to disciplinary action pursuant to N.J.S.A. 45:1-21(h).

#### DISCUSSION

Based on the foregoing findings and conclusions, a Provisional Order of discipline seeking a suspension and a two hundred dollar (\$200) civil penalty was entered on June 8, 2015. A copy was served on Respondent via regular and certified mail to her last known address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day following entry unless Respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefore.

Respondent replied to the Provisional Order and provided a copy of the municipal court complaint, and a narrative statement regarding her version of the underlying conduct which gave rise to the arrest, as well as her current employer information, including her most recent performance evaluations.

The Board reviewed Respondent's submissions and determined that further proceedings were not necessary and that Respondent sufficiently complied with the Provisional Order. The Board determined to finalize the Provisional Order with modification. Inasmuch as Respondent provided the bulk of information requested and available to date, the Board determined that suspension was no longer warranted. However, Respondent's failure to fully respond to the Board's letter of inquiry, which necessitated the filing of the Provisional Order of Discipline and review of Respondent's reply months later warrants imposition of a two hundred dollar civil penalty. Respondent has an ongoing responsibility to provide any further information about the criminal matter, such as updates on the status of the case and the ultimate disposition.

**ACCORDINGLY, IT IS on this 5<sup>th</sup> day of May, 2016,**

**ORDERED that:**

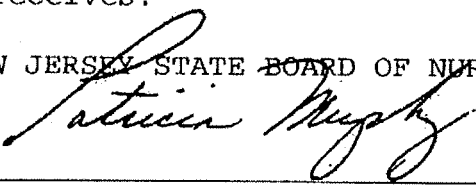
1. Respondent is assessed a civil penalty in the amount of two hundred dollars (\$200). Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be

rejected and will be returned to the party making the payment. Payment shall be made no later than fifteen (15) days after the date of filing of a FINAL ORDER OF DISCIPLINE. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. The Board reserves the right to initiate disciplinary proceedings based upon any information that Respondent ultimately provides in response to the letter of inquiry or upon any new information the Board receives.

NEW JERSEY STATE BOARD OF NURSING

By: \_\_\_\_\_

  
Patricia Murphy, PhD, APN  
President